

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4927 Wynnefield Avenue, Philadelphia, PA 19131

Address of Defendant: 25 DuNorois, Lacolle, QC IJI 1J0

Place of Accident, Incident or Transaction: Route 291 and Saville Avenue, Chester, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) \_\_\_\_\_
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/16/17

WILLIAM E. REMPHREY, JR.

Attorney-at-Law

74349

Attorney I.D.#

JUN 16 2017

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

RONALD EARP

CIVIL ACTION

MARIO VEREET AND<sup>Y</sup> COUP  
BROTHER TRANSPORT

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

WILLIAM E. REMPHREY, JR.

Date

6/16/17  
215-922-1100

Attorney-at-law

215-922-1772

Attorney for Defendants

wremphrey@margolisedelstein.com

Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

RONALD EARP

CIVIL ACTION

MARIO VEREET AND<sup>V</sup> COUP

BROTHER TRANSPORT

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

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- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒ ( )

WILLIAM E. REMPHREY, JR.

Date

6/16/17  
215-922-1100Attorney-at-law  
215-922-1772Attorney for Defendants  
wremphrey@margolisedelstein.com

Telephone

FAX Number

E-Mail Address

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

RONALD EARP

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marc Simon, Esquire, 1515 Market Street, 16th Floor, Philadelphia, PA  
215-400-2252

**DEFENDANTS**

MARIO VEREET AND COUP BROTHER: TRANSPORT

County of Residence of First Listed Defendant Quebec,  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

William E. Remphrey, Jr., Esquire, The Curtis Center, Suite 400E, 170  
S. Independence Mall W. Philadelphia, PA 19106 - 215-922-1100

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input checked="" type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FOREIGNURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:  
motor vehicle accident**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

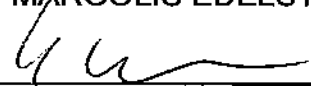
RONALD EARP	:	CIVIL ACTION
	:	NO.
v.	:	
	:	(COURT OF COMMON PLEAS
MARIO VEREET AND COUP	:	DELAWARE COUNTY
BROTHER · TRANSPORT	:	NO. 2017-002517
	:	JURY TRIAL DEMAND

**NOTICE TO ADVERSE PARTIES OF FILING OF NOTICE OF REMOVAL**

<b>TO:</b> Office of Judicial Support	Marc Simon, Esquire
Delaware County Courthouse	Simon and Simon
201 West Front Street	1515 Market Street, 16 <sup>th</sup> Floor
Media, PA 19063	Philadelphia, PA 19102

**PLEASE TAKE NOTICE** that on the 16th day of June, 2017, , Defendants, Mario Vereet and Coup Brothers Transport, filed with the Office of the Clerk of the U.S. District Court for the Eastern District of Pennsylvania, a Notice of Removal. A copy of the Notice is being filed with the Office of Judicial Support of the Court of Common Pleas of Delaware County, pursuant to 28 U.S.C. Section 1446 (d)

MARGOLIS EDELSTEIN

By:   
WILLIAM E. REMPHREY, JR., ESQUIRE  
Identification No. 74349  
The Curtis Center, Suite 400E  
170 S. Independence Mall W.  
Philadelphia, PA 19106-3337  
(215) 931-5878

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD EARP : CIVIL ACTION

v.  
MARIO VEREET AND COUP  
BROTHER TRANSPORT : NO.

: (COURT OF COMMON PLEAS  
DELAWARE COUNTY  
NO. 2017-002517  
JURY TRIAL DEMAND

**PETITION FOR REMOVAL**

Defendants, Mario Vereet and Coup Brother Transport hereby files this Notice of Removal and avers the following:

1. Plaintiff, Ronald Earp, commenced this action by the filing of a Civil Action Complaint on or about March 13, 2017 in the Court of Common Pleas, Delaware County captioned No. 2017-002517 ("underlying action"). A Praecipe to Reinstate Complaint was filed on or about April 26, 2017. A true and correct copy of the Complaint is attached hereto as Exhibit "A".
2. An Entry of Appearance on behalf of Defendants, Mario Vereet and Coup Brother Transport was filed on June 8, 2017. See Exhibit "B" attached hereto.
3. Therefore, the Petitioner herein has filed a timely Notice of Removal within thirty days of the date of service pursuant to 28 U.S.C. Section 1446(b) when this action first became removable to Federal Court.
4. Plaintiff is alleged to reside at 4927 Wynnefield Avenue, Apt 2A, Philadelphia, PA 19131.
5. Defendants, Mario Vereet and Coup Brothers Transport have an

address of 25 Du Norois, Lacolle, QC J1J 1J0.

6. The basis of Petitioners Removal to this Honorable Court is diversity of citizenship for an amount in controversy, excluding interest and costs, in excess of \$75,000.00. 28 U.S. C. Section 1332 (a)(1).

7. Upon information and belief, it is believed that plaintiff claims damages in excess of \$75,000.00.

8. Plaintiff resides in Pennsylvania and both defendants reside in Quebec.

9. As such, under 28 U.S.C. Section 1332 (a), total diversity of citizenship exists.

10. Given plaintiff's claims seeking an amount in controversy of greater than \$75,000.00, this Honorable Court possesses jurisdiction over the present action.

11. Copies of all pleadings and process which have been served in this action are attached hereto. In averring so, Petitioner concedes neither the sufficiency of service of process nor otherwise waives any defenses, whether related to service of process or otherwise, and reserves all rights in that regard. See Exhibit "A" and "B" .

12. Pursuant to 28 U.S. C. Section 1446(d), a copy of this Notice of Removal is being filed with the Court of Common Pleas of Delaware County and is being served on all adverse parties.

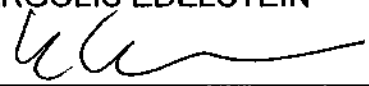
WHEREFORE, Petitioners, Mario Vereet and Coup Brother Transport, respectfully request that this civil action be removed from the Court of Common Pleas of Delaware County to the United States District Court for the Eastern District

of Pennsylvania.

Respectfully submitted,

MARGOLIS EDELSTEIN

BY:



---

WILLIAM E. REMPHREY, JR., ESQUIRE  
Identification No. 74349  
The Curtis Center, Suite 400E  
170 S. Independence Mall West  
Philadelphia, PA 19106-3337  
Attorney for Defendants

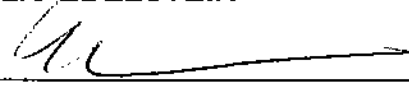


**CERTIFICATION OF SERVICE**

I hereby certify that on the date shown below, a true and correct copy of the foregoing Notice of Removal and supporting documents was served via U.S. First Class Mail, postage prepaid upon the following:

Marc Simon, Esquire  
Simon and Simon, P.C.  
1515 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102

MARGOLIS EDELSTEIN

BY:   
WILLIAM E. REMPHREY, JR., ESQUIRE  
Attorney for Defendants Mario Vereet and  
Coup Brother: Transport

June 16, 2017

# EXHIBIT “A”

U.S. Department of Justice  
United States Marshals Service



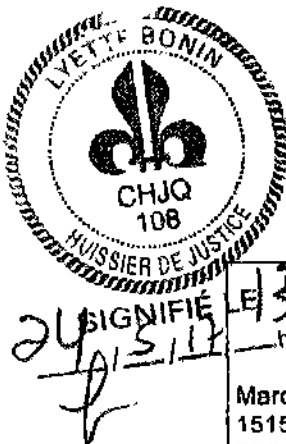
# REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

## DEMANDE

AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ÉTRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.



Identity and address of the applicant  
Identité et adresse du requérant

Marc I. Simon, PC  
1515 Market Street, Suite 1600  
Philadelphia, PA 19102

lauramorson@gosimon.com

Address of receiving authority  
Adresse de l'autorité destinataire

MINISTÈRE DE LA JUSTICE DU QUÉBEC  
Direction des services professionnels  
Entraide internationale  
1200, Route de l'Église, 2e étage  
Québec (Québec)  
G1V 4M1

The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)

Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:

(identité et adresse)

Coup Brother Transport

25 Du Norois, Lacolle, QC J0J 1J01

246-3778

☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*

a) selon les formes légales (article 5 alinéa premier, lettre a).

☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:

b) selon la forme particulière suivante (article 5, alinéa premier, lettre b):

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*:

c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

### List of documents

### Énumération des pièces

Civil Complaint

Request for Documents

Request for Admissions

Interrogatories

Done at May 4, the 2017

Fail à , le

Signature and/or stamp  
Signature et/ou cachet

\*Delete if inappropriate  
Rayer les mentions inutiles.

**SUMMARY OF THE DOCUMENT TO BE SERVED**  
**ÉLÉMENTS ESSENTIELS DE L'ACTE**

**Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.*

(article 5, fourth paragraph)  
(article 5, alinéa quatre)

**Name and address of the requesting authority:**

*Nom et adresse de l'autorité requérante:*

Marc I. Simon, PC 1515 Market St. Suite 1600, Philadelphia, PA 19102

**Particulars of the parties:**

*Identité des parties:*

Ronald Earp v. Mario Vereet, et al.

**JUDICIAL DOCUMENT**  
**ACTE JUDICIAIRE**

**Nature and purpose of the document:**

*Nature et objet de l'acte:*

Civil Complaint

**Nature and purpose of the proceedings and, where appropriate, the amount in dispute:**

*Nature et objet de l'instance, le cas échéant, le montant du litige:*

Motor Vehicle Accident that occurred on December 12, 2016

**Date and place for entering appearance:**

*Date et lieu de la comparution:*

Filed in Delaware County Court, March 13, 2017

**Court which has given judgment\*\*:**

*Jurisdiction qui a rendu la décision:*

N/A

**Date of judgment\*\*:**

*Date de la décision:*

N/A

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:*

20 days stated

**EXTRAJUDICIAL DOCUMENT**  
**ACTE EXTRAJUDICIAIRE**

**Nature and purpose of the document:**

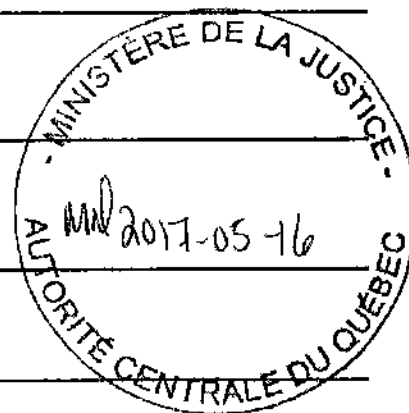
*Nature et objet de l'acte:*

N/A

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:*

N/A



Marc I. Simon, Esquire\*  
Michelle Skalsky-Simon, Esquire (Retired)  
Joshua A. Rosen, Esquire  
Matthew J. Zamites, Esquire  
Andrew Van Wagner, Esquire\*  
Brian F. George, Esquire\*  
Michael K. Simon, Esquire  
Mary G. McCarthy, Esquire  
Harry Gosnear, Esquire\*  
Joshua D. Baer, Esquire  
James T. Stinsman, Esquire  
Andrew Baron, Esquire  
Raymond Tarnowski, Esquire



**SIMON & SIMON, PC**  
— INJURY LAWYERS —

Please send all correspondence to:

1515 Market Street | Suite 1600  
Philadelphia, PA 19102  
Tel: (215) 467-4666 | Fax: (267) 639-9006

Bryan Arner, Esquire\*  
Alisha A. Nichols, Esquire\*  
Joseph L. Coleman, Esquire\*  
William M. Rhodes, Esquire\*  
Michael Schlagmhauser, Esquire\*  
Alexander C. Hyder, Esquire\*  
Jessalyn Gillum, Esquire  
Ashley Oakay, Esquire  
Tara Hansen, Esquire  
Daria Koscielniak, Esquire\*  
Grady Lowman, Esquire\*  
Jason Whalley, Esquire\*  
Ryan Flaherty, Esquire  
Fabiana Pergolizzi, Esquire

\*Licensed to practice in Pennsylvania and New Jersey  
\*Licensed to practice in Pennsylvania and Massachusetts  
\*Licensed to practice in Pennsylvania, New Jersey, and New York

marcsimon@gosimon.com  
www.gosimon.com

April 19, 2017

**Via Mail**

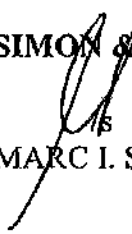
Mario Vereet  
25 Du Norois  
Lacolle, QC J0J 1J0

RE: Lawsuit Filed Against You

Dear Sir/Madam:

Please find enclosed a Complaint and Discovery Requests. Please turn this matter over to your insurance carrier.

Very truly yours,

  
SIMON & SIMON, PC

MARC I. SIMON

Delaware County Courthouse  
201 West Front Street  
Media, PA 19063



Receipt Date : 4/26/2017

### Official Receipt

Receipt # : 221603

Receipt of : MARC I SIMON ESQ

Cashier : 1000875

Address : 1515 MARKET STREET SUITE 1600  
PHILADELPHIA PA 19102

Register: HallR

Remarks :

Payment Source : Walk In

Account of : RONALD EARP

COST	RECEIVABLE DESCRIPTION	AMOUNT
Party Name : EARP, RONALD		
Case Number : 2017-002617 Type: Motor Vehicle RONALD EARP vs. MARIO VEREET , COUP BROTHER		
TRANSPORT		
Charge Number:		
ROC	Reinstale of a Complaint	\$10.00
Sub Total : \$ 10.00		
Total : \$10.00		
Grand Total : \$10.00		

Tender Type	Tender SubType	Check #/CC Auth #	Tender Amount
Attorney/Firm		8713	\$10.00
Check			

Total Paid : \$10.00  
Amount Paid : \$10.00  
Over Payment : \$0.00  
Change Due : \$0.00

### MEMORANDA

Balance After Payment:

Case Number	Balance
Total Balance: \$	

**SIMON & SIMON, P.C.**

Marc I. Simon, Esquire  
Michelle Skalsky-Simon, Esquire (Retired)  
Joshua A. Rosen, Esquire  
Matthew J. Zamites, Esquire  
Andrew Van Wagner, Esquire  
Brian F. George, Esquire  
Andrew Baron, Esquire  
Raymond Tarnowski, Esquire  
Michael K. Simon, Esquire  
Bryan Arner, Esquire  
Alisha A. Nichols, Esquire  
Mary G. McCarthy, Esquire  
Michael Schlagnhaufer, Esquire  
Attorney I.D. No.

Alexander C. Hyder, Esquire  
James T. Stinsman, Esquire  
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Jessalyn Gillum, Esquire  
Ashley Oakley, Esquire  
Tara Hansen, Esquire  
Grady Lowman, Esquire  
Jason Whalley, Esquire  
Ryan Flaherty, Esquire  
Attorneys for Plaintiff(s)

201798/308825/82140/309486//88182/310120/309259/9967/88130/320560/87459/318432/  
320939/312191/93484/87476/314867/316608/209617/314456/307314/323113/208429/314  
552

Market Street, Suite 1600  
Philadelphia, PA 19102  
(215) 476-4666

Ronald Earp

Plaintiff

vs.

Mario Vereet, et al.

Defendant

COURT OF COMMON PLEAS  
DELAWARE COUNTY

No.: 2017-002517

OFFICE OF  
JUDICIAL SUPPORT  
DELAWARE COUNTY PA

2017 APR 26 AM 11:22

FILED

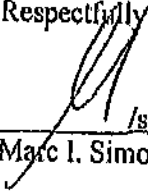
**PRAECIPE TO REINSTATE COMPLAINT**

**TO THE PROTHONOTARY:**

Kindly reinstate the Complaint which is attached hereto, in regard to the above-captioned matter.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Marc I. Simon, Esquire

THIS IS NOT AN ARBITRATION COMPLAINT  
AN ASSESSMENT OF DAMAGES HEARING  
IS REQUIRED

**SIMON & SIMON, P.C.**

BY: Marc I. Simon, Esquire  
Joshua A. Rosen, Esquire  
Matthew J. Zamites, Esquire  
Andrew J. Van Wagner, Esquire  
Brian F. George, Esquire  
Andrew Baron, Esquire  
Raymond Tarnowski, Esquire  
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201798

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William Rhoades, Esquire  
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Alexander C. Hyder, Esquire  
James T. Stinsman, Esquire  
Daria Koscielniak, Esquire  
Harry Gosnear, Esquire  
Jessalyn Gillum, Esquire

*Attorneys for Plaintiff*

1515 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215-400-2251)

Ronald Earp  
4927 Wynnefield Avenue  
Apt 2A  
Philadelphia, PA 19131  
Plaintiff

v.  
Mario Vereet  
25 Du Norois  
Lacolle, QC J0J 1J0

Coup Brother Transport  
25 Du Norois  
Lacolle, QC J0J 1J0

Defendants

IN THE COURT OF COMMON PLEAS  
DELAWARE COUNTY

February Term, 2017

No. 2017-002517



**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**LAWYER REFERENCE AND INFORMATION SERVICE**

**Front and Lemon Streets**

**Medin, PA 19063**

**215-566-6625**

2017-002517

COMPLAINT

1. Plaintiff, Ronald Earp, is a resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.
2. Upon information and belief, Defendant, Mario Vereet, is a resident of the Province of Quebec, Canada, residing at the address listed in the caption of this Complaint.
3. Defendant, Coup Brothers Transport, is a business entity registered to do business in the Province of Quebec, Canada, with a business address listed in the caption of this Complaint.
4. Upon information and belief, Defendants regularly and systematically transact business in Philadelphia County so as to be subject to venue and in personam jurisdiction in Philadelphia.
5. On or about December 12, 2016, at approximately 3:00 p.m., Plaintiff, was the operator of a motor vehicle, which was traveling at or near the intersection of Route 291 and Saville Avenue, in Chester, PA.
6. At or about the same date and time, Defendant, Mario Vereet, was the operator of a motor vehicle, which was owned by Defendant, Coup Brother Transport, which was traveling at or near the aforesaid intersection and/or location of Plaintiff's vehicle.
7. At about the same date and time, Defendant's vehicle was involved in a motor vehicle collision with Plaintiff's vehicle.
8. At all times relevant hereto, upon information and belief, Defendant, Mario Vereet, was operating the aforementioned defendant, Coup Brother Transport's motor vehicle as defendant's agent, servant and/or employee acting in the scope of their agency.
9. The aforesaid motor vehicle collision was caused by the Defendant negligently and/or carelessly, operating his vehicle in such a manner so as to cause a motor vehicle collision.

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2017 APR 26 AM 11:22  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

10. As a direct and proximate result of the joint and/or several and/or direct or vicarious negligence and/or carelessness of the Defendants, Plaintiff has sustained serious permanent personal injuries and damages.

11. As a result of the incident, Plaintiff suffered severe and permanent injuries as set forth more fully below.

**COUNT I**  
**Ronald Earp v. Mario Vereet**  
**Negligence**

12. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth at length herein.

13. The negligence and/or carelessness of Defendant, which was the direct and proximate cause of the incident and the injuries and damages sustained by the Plaintiff consists of, but is not limited to:

- a. Operating his vehicle into Plaintiff's lane of travel;
- b. Failing to maintain proper distance between vehicles;
- c. Operating said vehicle without regard for the rights or safety of Plaintiff or others;
- d. Failing to have said vehicle under proper and adequate control;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstances;
- f. Violation of the assured clear distance rule;
- g. Failure to keep a proper lookout;
- h. Failure to apply brakes earlier to stop the vehicle without causing a motor vehicle collision;
- i. Being inattentive to his duties as an operator of a motor vehicle;

- j. Disregarding traffic lanes, patterns, and other devices;
- k. Driving at a high rate of speed which was high and dangerous for conditions;
- l. Failing to remain continually alert while operating said vehicle;
- m. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- n. Failing to give Plaintiff meaningful warning signs concerning the impending collision;
- o. Failing to exercise ordinary care to avoid a collision;
- p. Failing to be highly vigilant and maintain sufficient control of said vehicle and to bring it to a stop on the shortest possible notice;
- q. Operating said vehicle with disregard for the rights of Plaintiff, even though she was aware or should have been aware of the presence of Plaintiff and the threat of harm posed to Plaintiff;
- r. Continuing to operate the vehicle in a direction towards the Plaintiff's vehicle when he/she saw, or in the exercise of reasonable diligence, should have seen, that further operation in that direction would result in a collision;
- s. Driving too fast for conditions;
- t. Violating the Pennsylvania Vehicle Code;
- u. Failing to operate said vehicle in compliance with the applicable laws and ordinances of the Commonwealth of Pennsylvania, pertaining to the operation and control of motor vehicles

14. As a direct result of the negligent and/or careless, conduct of Defendant, Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function,

permanent serious disfigurement, and/or aggravation of certain injuries, all to Plaintiff's great loss and detriment.

15. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiffs' great financial detriment and loss, Plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time into the future.

16. As an additional result of the carelessness and/or negligence of Defendant, Plaintiff has suffered emotional injuries along with the physical injuries suffered.

17. As a direct result of the negligent and/or careless conduct of the Defendant, Plaintiff suffered damage to Plaintiff's personal property, including a motor vehicle, which Plaintiff was operating at the time of the aforesaid motor vehicle collision; including but not limited to, storage fees and towing, all to Plaintiff's great loss and detriment.

18. As a further result of the injuries sustained, plaintiffs have, are presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment.

19. Furthermore, in addition to all the injuries and losses suffered by Plaintiff, Plaintiff has also incurred or will incur medical, rehabilitative and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Vehicle Financial Responsibility Law, 75 Pa.C.S. Section 1701, et. Seq., as amended, for which he makes a claim for payment in the present action.

WHEREFORE, Plaintiff demands judgment in Plaintiff's favor and against Defendant, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all costs and other relief this court deems necessary.

**COUNT II**  
**Ronald Earp v. Coup Brothers Transport**  
**Negligent Entrustment**

20. Plaintiff incorporates the foregoing paragraphs of this Complaint as if set forth fully at length herein.

21. The negligence and/or carelessness of Defendant, Coup Brothers Transport, which was a proximate cause of the aforesaid motor vehicle collision and the resultant injuries and damages sustained by the Plaintiff, consists of, but is not limited to, the following:

- a. Permitting Defendant, Mario Vereet, to operate the motor vehicle without first ascertaining whether or not he/she was capable of properly operating said vehicle;
- b. Permitting Mario Vereet, to operate the motor vehicle when Defendant, Coup Brothers Transport, knew, or in the exercise of due care and diligence, should have known that Defendant, Mario Vereet, was capable of committing the acts of negligence set forth above;
- c. Failing to warn those persons, including the Plaintiff, that Defendant, Coup Brothers Transport, knew, or in the existence of due care and diligence should have known, that the Plaintiff would be exposed to Mario Vereet's negligent operation of the motor vehicle.

22. As a direct result of the negligent and/or careless conduct of Defendant, the Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function, permanent serious disfigurement, aggravation of certain injuries and/or other ills and injuries all to Plaintiff's great loss and detriment.

23. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiff's great financial detriment and loss, Plaintiff has in the past, is presently and may in the

future suffer great anguish, sickness and agony and will continue to suffer for an indefinite time into the future.

24. As an additional result of the carelessness and/or negligence of Defendant, Plaintiff has suffered emotional injuries, along with the physical injuries suffered.

25. As a direct result of the negligent conduct of the Defendant, Plaintiff suffered damage to his/her personal property, including his/her motor vehicle, which Plaintiff was operating at the time of the aforesaid motor vehicle collision; including but not limited to, storage fees and towing, all to Plaintiff's great loss and detriment.

26. As a further result of Plaintiff's injuries, she has in the past, is presently and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment.

27. Furthermore, in addition to all the injuries and losses suffered by Plaintiff, Plaintiff has also incurred or will incur medical, rehabilitative and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Vehicle Financial Responsibility Law, 75 Pa.C.S. Section 1701, et. Seq., as amended, for which she makes a claim for payment in the present action.

WHEREFORE, Plaintiff prays for judgment in Plaintiff's favor and against Defendant, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all costs and other relief this court deems necessary.

**COUNT III**

**Ronald Earp v. Coup Brother Transport  
Respondent Superior**

28. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth at length herein.

29. The negligence and/or carelessness of Defendant, itself and through its agent, the driver of the motor vehicle, acting at all times relevant hereto within the scope of the agency, which was the direct and proximate cause of the incident and the injuries and damages sustained by the plaintiff consist of, but is not limited to:

- a. Operating his vehicle into Plaintiff's lane of travel;
- b. Failing to maintain proper distance between vehicles;
- c. Operating said vehicle without regard for the rights or safety of Plaintiff or others;
- d. Failing to have said vehicle under proper and adequate control;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstances;
- f. Violation of the assured clear distance rule;
- g. Failure to keep a proper lookout;
- h. Failure to apply brakes earlier to stop the vehicle without causing a motor vehicle collision;
- i. Being inattentive to his duties as an operator of a motor vehicle;
- j. Disregarding traffic lanes, patterns, and other devices;
- k. Driving at a high rate of speed which was high and dangerous for conditions;
- l. Failing to remain continually alert while operating said vehicle;
- m. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- n. Failing to give Plaintiff meaningful warning signs concerning the impending collision;



- o. Failing to be highly vigilant and maintain sufficient control of said vehicle and to bring it to a stop on the shortest possible notice;
- p. Operating said vehicle with disregard for the rights of Plaintiff, even though he was aware or should have been aware of the presence of Plaintiff and the threat of harm posed to him;
- q. Continuing to operate the vehicle in a direction towards the Plaintiff's and/or co-defendants' vehicle when he saw, or in the exercise of reasonable diligence, should have seen, that further operation in that direction would result in a collision;
- r. Driving too fast for conditions;
- s. Failing to operate said vehicle in compliance with the applicable laws and ordinances of the Commonwealth of Pennsylvania, pertaining to the operation and control of motor vehicles;

30. As a direct result of the negligent and/or careless, conduct of Defendant, Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function, permanent serious disfigurement, and/or aggravation of certain injuries, all to Plaintiff's great loss and detriment.

31. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiffs' great financial detriment and loss, Plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time into the future.

32. As an additional result of the carelessness and/or negligence of Defendant, Plaintiff has suffered emotional injuries along with the physical injuries suffered.

33. As a direct result of the negligent and/or careless conduct of the Defendant, Plaintiff suffered damage to Plaintiff's personal property, including a motor vehicle, which Plaintiff was operating at the time of the aforesaid motor vehicle collision; including but not limited to, storage fees and towing, all to Plaintiff's great loss and detriment.

34. As a further result of the injuries sustained, Plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment.

35. Furthermore, in addition to all the injuries and losses suffered by Plaintiff, Plaintiff has also incurred or will incur medical, rehabilitative and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Vehicle Financial Responsibility Law, 75 Pa.C.S. Section 1701, et. Seq., as amended, for which he makes a claim for payment in the present action.

WHEREFORE, Plaintiff demands judgment in Plaintiff's favor and against Defendant, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all costs and other relief this court deems necessary.

SIMON & SIMON, P.C.


BY: 

Marc I. Simon, Esquire  
Simon & Simon, P.C.  
1515 Market Street  
Suite 1600  
Philadelphia, PA 19102  
215-467-4666  
*Attorney for Plaintiff*

VERIFICATION

I, Marc Simon, hereby state that I am attorney for the Plaintiff in the within action and that the facts set forth in this Civil Action Complaint above are true and correct to the best of my knowledge, information and belief.

I understand that the statements in this Verification are made subject to the penalties of 18 U.S.C.A. § 1001 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Marc I. Simon', is written above a horizontal line.

Marc I. Simon

VERIFICATION

I, \_\_\_\_\_, am the plaintiff in this action, and I hereby state that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that this verification is subject to 18 Pa. C.S. § 4904 providing for criminal penalties for unsworn falsification to authorities.

x Ronald Eary

**EXHIBIT “B”**

William E. Remphrey, Jr., Esquire  
wremphrey@margolisedelstein.com  
Identification No.: 74349  
MARGOLIS EDELSTEIN  
The Curtis Center, Fourth Floor  
Independence Square West  
Philadelphia, PA 19106-3304  
(215) 922-1100

Attorney for Defendants

RONALD EARP  
v.  
MARIO VEREET AND COUP BROTHERS  
TRANSPORT

COURT OF COMMON PLEAS  
DELAWARE COUNTY

NO. 2017-002517

**ENTRY OF APPEARANCE AND JURY TRIAL DEMAND**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of Defendants Mario Vereet and Coup Brothers Transport in the above captioned case

Defendants Mario Vereet and Coup Brothers Transport demand a jury trial in the above case Jury of twelve (12) with alternates demanded

MARGOLIS EDELSTEIN

BY: \_\_\_\_\_  
WILLIAM E. REMPHREY, JR., ESQUIRE

FILED  
2017 JUN -8 AM 11:11  
CLERK